

POLICE ADVISORY BOARD FOR ENGLAND AND WALES
108th Meeting
10.30am, 26 July 2017
Home Office, 2 Marsham Street, London, SW1P 4DF

Present:

Elizabeth France – Independent Chair

Association of Police and Crime Commissioners (APCC)

Andrew Tremayne

The Association of Special Constabulary Chief Officers

Peter Fitzgerald

Police Federation of England and Wales (PFEW)

Andy Fittes

Andy Ward

Joan Donnelly

Police Superintendents' Association of England and Wales (PSAEW)

Dan Murphy

Gideon Springer

Chief Police Officers' Staff Association (CPOSA)

Shabir Hussain

Home Office

Harriet Mackinlay

Nick Lawrence

National Police Chiefs' Council

Francis Habgood

Stella Brooks

Metropolitan Police

Mark Pomroy

Metropolitan Police – Trade Union Side

Valerie Harris

PABEW Secretariat

Zahra Torabi

College of Policing

Rachel Tuffin

Observers/ in attendance

Diane Mulligan -- Department of Justice (Northern Ireland)

Elaine Parker – PFEW

Mariam Conway – PFEW

Karen Pinfold - PFEW
Kevin Courtney – NPCC
Emma Plummer – Home Office

Welcome and apologies

1. The Chair welcomed members to the meeting. Apologies had been received from the IPCC.

Minutes of the 106th meeting – 28 April 2017

2. Minutes were agreed subject to some minor amendments, suggested by Rachel Tuffin (College of Policing). Secretariat to amend the minutes and upload to the website, in addition to circulating a final version to members. **Action point: Secretariat.**

Matters arising

3. Members discussed the action log which had been updated.
4. Andy Fittes (PFEW) raised the issue of MPS proposals around the removal of ranks. PFEW understood that this project was now being rolled into national work and would not be pursued separately. Francis Habgood (NPCC) said that this would be covered within his presentation.

Matters outstanding from previous meetings

5. It was agreed that the actions 'outstanding from previous meetings' could be removed.

Update from the College of Policing and NPCC on consultations and workforce projects

6. Francis Habgood delivered a presentation which gave members an overview on what was involved in the College and NPCC's workforce reform model and the Policing Vision for 2025. This presentation covered aspects such as skills and capabilities, effective leadership and management, reward and recognition, critical new skills and changes to culture and leadership.
7. In response to the earlier point raised by Andy Fittes regarding the issue of MPS proposals around the removal of ranks, Francis Habgood explained that the MPS commissioner was still committed to delaying but needed to do an organisational review first – all forces should now be considering how to apply the 5 levels of decision making.
8. Rachel Tuffin followed the presentation by sharing a draft copy of the College's 'Workforce Transformation' timeline. She explained that the timeline was being developed to help provide a better overview of what was in the pipeline for the 'workforce transformation' and provide some

insight into timing of impact on forces. Along with the timeline, Rachel Tuffin provided members with a feedback form and requested that members provide feedback on the draft timeline. She said it would be really helpful for staff associations to raise any issues or provide a steer of things that might be missing. If people notice things that need to go through the PABEW, they can be flagged early on. Rachel Tuffin advised that she would send the Secretariat electronic copies of the draft timeline and feedback form, so that they could be circulated to members. **Action point: Secretariat**

9. Dan Murphy (PSAEW) said he was encouraged by having something that set out what the College and NPCC were working on. He agreed with Rachel Tuffin that the PABEW needed to see things early on. He had previously sensed a concern that there was a view that sharing information with PABEW might hinder innovation by focusing on regulation changes rather than allow informative and helpful scrutiny. Rachel Tuffin expressed surprise that the College's actions had come across in that way; this was not the intention.
10. Andy Fittes (PFEW) noted that the workforce reform proposals were complex but it was essential that there was effective scrutiny of any proposals by the appropriate bodies including the staff associations to reduce the likelihood of any unintended consequences both for members and the service more widely. Where matters fell within the terms of reference of the PABEW, including matters arising out of workforce reform projects led by the NPCC or the College of Policing, the PABEW needed sufficient time to properly consider and provide advice on matters that fall within its statutory remit. PFEW was concerned about the number of different groups that were being asked to input into workforce reform proposals including the expectation that members of the Workforce Transformation Board were in a position to identify where regulatory changes to members' terms and conditions were required. It was PFEW's view that expertise already existed among the constituent bodies of the PABEW. Andy Fittes repeated that where the PABEW had a role, the College needed to make sure it comes to the group in good time and emphasised that the longer time PABEW have to provide comments/feedback, the better input the College would receive. For instance, he understood that there were problems with the Investigative Entry route and suggested that had the proposals been brought to the PABEW some of those issues could have been considered.
11. Valerie Harris (MPS TUS) added the importance of making sure that the Metropolitan Police (Trade Union Side) have sight of the College's proposals, as they do not sit on other bodies. She highlighted the importance of communication in ensuring that changes to the workforce are notified to them.
12. Shabir Hussain (CPOSA) commented on the flexibility aspect, in which pensions were not referred to. He asked whether the College/NPCC

could provide a high level paper on this for the pension's forum. The Chair noted that this was a long term project, but the pension's forum could start to look at whether pensions should be portable. The Chair advised the secretariat to put this on the agenda for the UKPPCF in October. **Action point: Secretariat.**

13. Dan Murphy noted that as there were so many projects dependent on each other, the timeline provided was helpful. He also questioned how the two different teams (College and NPCC), would ensure they maintained a link and reached the same objective. Francis Habgood challenged the view that there were two different teams and explained that they were working closely together. He accepted the point around knowing what the end objective was and explained that there were focus groups being held around the country which would help with this. He also agreed that there were pensions issues, however they were not yet at a point to solve them.
14. Andy Tremayne (APCC) said that they welcomed the timeline. He did however note that there was a fair amount of risk around decisions relating to reward, which could derail projects. He emphasised that the sooner the group could collectively start to test ideas and principles, the better. It would be a huge risk if the workforce were to be unhappy, given that there was already dissatisfaction. Therefore the issues around reward needed to be teased out.
15. Andy Fittes also agreed that the service needed to be clear about what it wanted to achieve through the workforce reforms. Where for instance did detective entry fit with other entry routes into the service. He suggested that in trying to fix one problem more problems were being created. Given its statutory terms of reference PABEW should provide that oversight role.
16. Gideon Springer (PSAEW) highlighted that there were a lot of schemes which required a level of valuation of people coming into the force. Line managers were expected to assess incoming people but needed support with this. The new structure needed to fit with what was already in place.
17. Harriet Mackinlay (Home Office) said that they welcomed this piece of work as a big step forward and thanked the College and NPCC.
18. The Chair stressed the importance of the PABEW only looking and commenting on regulations that fall within the board's remit. There was a need to identify those that needed to come to the PABEW and those that did not. If they could be identified early then there would be no delays in PABEW commenting. Rachel Tuffin stated that they would liaise with the Home Office in deciding what needed to come to PABEW and they would be clear about this early on in the process.

19. Dan Murphy highlighted that there would be more work coming to PABEW in terms of regulations and questioned whether the Home Office would have capacity to write and/or change regulations.
20. Harriet Mackinlay acknowledged that the Home Office needed to prioritise the regulations needed. They were a lot clearer on timescales and discussions were happening earlier. They had set a number of checks and timescales for the regulations being laid in Parliament and accepted that there had been a time lag. Dan Murphy said that it would be helpful for the PABEW to see the priority list of regulations. The Chair noted that there was already an action for the Home Office to share its forward work plan in the October meeting. It would be helpful if this included the timeline for regulations that were in the pipeline. Andy Fittes asked for future agenda to include a standing item on outstanding regulations and determinations to enable the Home Office to update PABEW on progress on changes to regulations and determination on same basis as that provided to the Police Consultative Forum. **Action point: Home Office/Secretariat.**
21. Joan Donnelly (PFEW) noted that the timeline was a good starting point. She said that it would be helpful if the timeline could incorporate the principles set out in OME guidance on consultation which a Police consultative Forum working group had adopted. The onus would then be on projects to identify the appropriate forums for consultation and once proposals are submitted to the appropriate forum it should then be possible to identify earlier where regulatory changes might be required. Stella Brooks (NPCC) proposed that it might be good to complete an example of this. The Chair invited the NPCC in tandem with the PFEW to share an example at the October meeting. **Action point: Stella Brooks (NPCC)/Secretariat.**

College of Policing Business Secondments Guidance

22. Members moved on to a discussion around the College's 'Business Secondments Guidance.' Andy Fittes explained that this was a good example of what they had been talking about already and he had already received queries from officers that morning about the business secondments guidance, as there were a number of matters that required further clarification including liability. Matters related to secondment fall within the terms of reference of the PABEW. PFEW and PSAEW had raised this matter at the last meeting and had subsequently written to the Chair on 16 June 2017 outlining their concerns with the guidance as drafted and suggesting that a small independently chaired PABEW technical working group should be set up to consider the comments. He asked if the Chair and other constituent bodies of PABEW agreed that PABEW had a role in developing guidance on secondments. Rachel Tuffin said that people had been given this guidance in the working groups, however she could see the benefit of representatives who have regulatory

responsibilities having chance to have sight. Andy Fittes pointed out that the appropriate body to advise on this was the PABEW.

23. Dan Murphy gave an example. The PASEW insure their members “for your role as a Superintendent.” This meant that Superintendents’ taking up a secondment might not have been insured for this work had the PSAEW not been able to make quick and successful contact with their insurers. This should have been considered in consultation at an earlier point.
24. Rachel Tuffin said that the College could provide an opportunity for the guidance to be updated. The Chair agreed that it sounded as though there was a role for the PABEW in this area. She asked that Rachel Tuffin circulate the guidance for comments from PABEW members, indicating the timescales. The PABEW could then decide whether there was a need for a separate working group. **Action point: Rachel Tuffin**

Police Pensions

25. The Chair explained that the last pensions meetings were held on the 8 May, with the next ones scheduled for 31 July.

Scheme Advisory Board

26. Kevin Courtney (NPCC) updated members on the joint SAB/NPCC training event which had taken place on 31 May. This event was designed for representatives of scheme managers and was to set the overall governance scheme in context. A major part of the event was the feedback from The Pensions Regulator (TPR) on their annual governance survey. In addition to this, there were a number of presentations, including one from the Chair of the PABEW and SAB, and attendees had the chance to take part in practical discussions. Around thirty people attended and Kevin Courtney said that this was the first of a series of engagement and development events. A lot of the feedback received after the event was that people would welcome a continued dialogue with SAB.
27. The Chair reminded members that after each SAB meeting, she was sending a letter to pension board chairs. She explained that some Chairs seemed to be looking for direction, but the SAB could only advise.
28. The Chair also informed members of TPR’s conference, which she had recently attended. The general message was that TPR would be more inclined to enforce than they previously had been. The key priorities for TPR; record keeping, internal controls and communications would now regularly be on the agenda for SAB.

29. The Chair also highlighted that TPR's annual survey had now been published, noting that not all forces had responded.
30. Andy Fittes expressed disappointment that the technical working group to consider maximum commutation payments and voluntary exits, which had initially been scheduled for 18 July was cancelled as the Home Office saw no benefit in attending. He stressed that there was a desire from Chief Officers and the staff associations to look at this and all had agreed that it would be good to have a discussion , with input from the Home Office, to see whether outstanding issues could be resolved. The Chair explained that this was on the agenda for UKPPCF (31 July) and would be discussed then.
31. In this context, Shabir Hussain raised that members were still waiting for the final version of regulations for the removal of the cap on the commutation (2.25x), which had been through consultation twice and it had now been over a year since Ministerial approval.
32. Andy Fittes also raised that the PFEW had filed a claim for judicial review against the Home Secretary in respect of the deduction of ESA from injury pensions. The claim relates to the way in which the changes were made. He thanked the Home Office for their announcement on the pension's calculator.

UK Police Pensions Consultative Forum

33. The Chair informed members that she had written to the Home Office, raising concerns about the Pensions Dashboard and whether there was merit in taking part in it. The Chair of the Fire SAB had taken a strong stance against it. This would be on the agenda for the next UKPPCF meeting (31 July) so that members could discuss any views/concerns.

PABEW Discipline Sub-Committee

34. The Chair updated members on the most recent Discipline Sub-Committee meeting, which had taken place on 7 July. At this meeting, the Home Office updated members on the regulations arising out of the Policing and Crime Act.
35. The Chair explained that there was not much yet of substance to look at. The main discussion was around the work to remove regulation 10A, which prevented officers from resigning or retiring whilst under investigation. The legal checking had started and officials would be seeking authorisation from Ministers to begin formal consultation with the PABEW once this was complete. Timescale for consultation was also discussed, with the possibility of needing an 'ad-hoc' meeting in September. It was agreed that the Secretariat would look for a date to have a sub committee meeting, potentially in September, once the regulations were ready. The Chair suggested that it would perhaps be

best for the sub-committee to meet to look at the regulations in detail, then the PABEW could agree a final draft, most likely by email.

36. Andy Ward (PFEW) agreed that they wanted to see regulation 10A replaced, but what was put in its place had to be fit for purpose. Therefore, a three week consultation period over the summer was unrealistic. The Chair said that it would be unlikely the regulations would come through from lawyers during the summer. However, as soon as they were ready, the Secretariat would alert members. **Action point: Secretariat.**

Update on Capability Dismissal Regulations

37. Harriet Mackinlay updated the group on the Capability Dismissal Regulations. She explained that they had a complete set of regulations which had gone through two of three legal checks usually required before consultation. In this case, given that they are lengthy and this would be the first time people would see them, it would make sense to take regulations to the technical working group with questions before a final version of the regulations was produced and sent to the PABEW for consultation. Before the Home Office send them to the PABEW, they would also need to go through them with the new NPCC lead and check that they reflect the process previously discussed at PABEW . This would also provide an opportunity to form a set of questions for the PABEW. Harriet Mackinlay also asked whether members would want a technical working group. Her initial idea was to send out a draft of the regulations, agree a timescale with consultees and then convene a technical working group to go through them in detail, before taking them back to the PABEW.
38. Members agreed that this course of action seemed sensible. This could be a possible agenda item for the PABEW in October, however this may change depending on the timescale required.
39. Andy Fittes asked about the review of limited duties. Harriet Mackinlay explained that there were two separate issues with this. The first was the definition of operational resilience Which was dealt with in the technical working group chaired by NPCC – it was agreed to leave the determinations as they are. The second was an outstanding decision on use of the x factor. Francis Habgood stated that the appetite for using this was not there with Chiefs. It had been discussed at Chief's council and he would be following this up in correspondence.

Update on Voluntary Exits

40. Nick Lawrence (Home Office) provided an update from Angela Chadha (Home Office, not present at this meeting) on voluntary exits. The update explained that the Home Office was currently working on amendments to regulations and determinations in relation to proposed changes to the police voluntary exit scheme and was intending to

consult the PABEW formally on those changes before the end of September. The Home Office consulted informally earlier this year and they were still happy to receive further comments or representations.

41. Andy Fittes commented that this was another example of flexibility around the workforce and that was why it would be useful to have discussions outside the PABEW in a technical working group with the Home Office.

Data issues

42. Harriet Mackinlay updated members on the recent working group that took place on 31 March 2017 about police workforce data. She had chased up actions from that meeting but had not received any responses as yet. She informed members that a number of common themes emerged from this meeting and an overall decision was reached that all partners needed to look at police workforce data issues across the piece to enable forward planning. . It was therefore agreed that a National Police Workforce Data strategy was required. Adam Gibson, who leads on workforce planning in the MPS) agreed to work on this. Harriet Mackinlay acknowledged that the group needed another meeting soon as there were a number of people who needed to confirm their positions. The group would then be able to decide how they wanted to take this forward and who was best placed to chair these meetings in future.. She agreed that she would arrange another meeting in the meantime. **Action point: Harriet Mackinlay.**

PABEW Annual Report (1 April 2016 to 31 March 2017).

43. The Chair thanked members for providing comments on the draft annual report. These comments had been taken on board and reflected in the current version. The Chair asked members if there were any further comments. Francis Habgood pointed out that on the 'attendance at meetings' section, the Association of Chief Police Officers of England and Wales (ACPO) was cited. As they no longer exist, he asked that this be removed from the annual report. The Chair agreed that the Secretariat would remove this and then the report would be looked at for a final time at the SAB meeting on 31 July, before being submitted to the Home Secretary. **Action point: Secretariat.**

Any other business

44. Andy Fittes asked the Chair whether there was an update on the proposed changes to regulations to amend the attestation arrangements and to amend the police oath on which PABEW had been consulted earlier in the year. The Chair reported that at the discipline sub-committee meeting it was noted that everyone had supported the proposed changes to the attestation arrangements. She explained that there was still debate around whether there should be a

reference to the College's code of ethics in the Police Oath. However, there was no legislative slot for this change in the Queen's speech, so the Home Office had said there was unlikely to be any action on this in the next two years. The Chair agreed that the discipline sub-committee would keep an eye on this.

Date of next meeting

45. 26th October 2017